

Meeting Minutes

CITY COUNCIL AGENDA WORK SESSION

Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Monday, February 10, 2014

5:15 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 5:17 p.m.

A motion was made by Council member Chalfant, seconded by Council member Coleman, to suspend the rules of order to add an item to agenda regarding a request to amend previously approved stipulations for property on Montgomery Street and Harold Street. The motion carried by the following vote:

Vote: 7 - 0 - 0
(See agenda item 20140170)

A motion was made by Council member Goldstein, seconded by Council member Morris, to add an item to the Council agenda regarding a presentation recognizing Certificates of Achievement received by Council members Chalfant and Coleman. The motion carried by the following vote:

Vote: 7 - 0 - 0
(See agenda item 20140169)

20140170 155, 165 Montgomery Street & 77 & 87 Harold Street

Request to revise the stipulations originally approved as conditions of zoning for zoning case #Z2011-09 (20110516) dated August 10, 2011. This revision will eliminate stipulation #6, which read: "The houses will be LEED [Leadership in Energy and Environmental Design] certified."

Discussion was held regarding the rezoning request and the other conditions previously placed on the property.

A motion was made to revise the stipulations originally approved as conditions of zoning for the four (4) lot development, previously identified as 155 Montgomery Street, but now subdivided into lots identified as 155 Montgomery Street, 165 Montgomery Street, 77 Harold Street and 87 Harold Street. All other previous conditions will remain in effect and listed on the agenda.

The motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0 Recommended for Approval – Consent Agenda

MINUTES:

20140139 Regular Meeting - January 6, 2014

Review and approval of the January 6, 2014 regular meeting minutes.

A motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

BUSINESS:

20140135 BLW Report

Council Member Andy Morris gives the Board of Lights and Water (BLW) report for the meeting held on Monday, February 10, 2014.

Council member Morris called upon Acting General Manager Bill Bruton to report on the actions of the Board of Lights and Water at their February 10, 2014 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the February 10, 2014 regular Board of Lights and Water meeting minutes for details.)

Reported

20140150

Marietta Redevelopment Corporation

Discussion of proposed Motion requesting that the Board of Directors of the Marietta Redevelopment Corporation amend its By-Laws to give the Marietta Redevelopment Corporation independence from the City of Marietta. Such amendments to its By-Laws are subject to the approval by the Mayor and Council of the City of Marietta and shall be submitted back to the City Council for review.

Discussion was held regarding the proposed amendments. There was general agreement to move forward with a request to the MRC Board for consideration.

A motion was made requesting that the Board of Directors of the Marietta Redevelopment Corporation amend its By-Laws to remove appointments of the MRC members from approval by the City Council, to change so that the MRC determines who serves on the MRC Board and remove approval of the bylaws changes from the City Council. Such amendments to its By-Laws are subject to the approval by the Mayor and Council of the City of Marietta and shall be submitted back to the City Council for review.

The motion was made by Council member Goldstein, seconded by Council member Morris, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval – Consent Agenda

20140147

GMA 2014 Annual Convention

Motion approving travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2013 Annual Convention in Savannah, GA June 20 - 24, 2014.

A motion was made by Council member Goldstein, seconded by Council member Morris, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval – Consent Agenda

20140148

GMA Voting Delegates

Motion appointing a voting delegate and an alternate voting delegate for the 2014 GMA Business Meeting being held during the GMA Annual Convention Monday, June 23, 2014.

Motion to appoint Grif Chalfant as voting delegate and Andy Morris as alternate voting delegate for the 2014 GMA Business Meeting being held during the GMA Annual Convention Monday, June 23, 2014.

A motion was made by Council member Morris, seconded by Council member Goldstein, that this matter be Recommended for Approval – Consent Agenda. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval – Consent Agenda

20140136

Draft City Council Agenda

Review and approval of the February 12, 2014, DRAFT City Council Agenda.

The agenda and notice of meetings should note that the meeting will be Wednesday, February 12, 2014, but if canceled the meeting will be Thursday, February 13, 2014.

-under Presentations: Agenda item 20140131 was removed from the agenda and postponed until the March meeting.

-under Presentations: An item was added to the agenda regarding awards received by Council members Coleman and Chalfant at the GMA Mayor's Day Conference.

-under Minutes: Agenda items 20140140, 20140141 and 20140142 were added to the consent agenda. Agenda item 20140141 Regular Meeting minutes were amended on page 8 to show Council member Goldstein abstaining on item 20131519.

-under Ordinances: Agenda item 20131513 was amended to add a third stipulation regarding the Letter of Stipulations submitted by Kevin Moore. A disclosure by Council member Goldstein was also added that reads, "Council member Goldstein disclosed that Kevin Moore and/or his firm have done work for him, entities he owns and/or family members, etc."

-under Finance/Investment: Agenda item 20140073 was removed from the consent agenda.

-under Parks and Rec.: Agenda item 20140098 was removed from the agenda since the applicant withdrew their application. Agenda item 20140097 remains on consent with Council member Goldstein abstaining.

-under Other Business: Agenda item 20140143 was added to the consent agenda with Council member Coleman voting against BLW agenda item 20140156 Review and approval of the February 10, 2014 special meeting minutes.

-under Other Business: An item was added to the agenda for review and approval of the February 10, 2014 actions and minutes of the Marietta Board of Lights and Water Special Called Meeting. (See agenda item 20140157)

-The Committee Chairs should be corrected for the Council agenda. For example, the Finance Committee still shows Annette Lewis as Chairman

20140137

Executive Session

Executive Session to discuss legal, personnel, and/or real estate matters.

A motion was made in open session by Council member Kelly, seconded by Council member Fleming, to enter an Executive Session to discuss and real estate matters. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

For: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

The Executive Session was held.

A motion was made in open session by Council member Goldstein, seconded by Council member Walker, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

For: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 180 Woods Drive from Colleen Parker for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$2,000.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 184 Woods Drive from Lorenzo Woods for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$1,700.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the property at 111 N. Fairground Street from Richard Roberts for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$44,000.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the property at 68 Black Street from Estrella and Associates Inc. for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$95,000.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 585 Lawrence Street from Cornelius Savage for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$1,500.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 65 N. Fairground Street from Charlie Haley for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$15,610.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

Council member Goldstein disclosed that he does not have any ownership in property at 165 N Fairground Street, but may have a tenant that has some dealings with the property. Council member Goldstein then left the dais.

A motion was made by Council member Chalfant, seconded by Council member Morris, to add an item to the council agenda authorizing acquisition of the right of way and easements at 165 N. Fairground Street from PAFOS, LLC for the purpose of constructing the Fairground Street Improvements Project - Roswell Street to Rigby Street in exchange for \$9,990.00 with stipulation as listed below:
1. If fence is removed it is to be replaced at no charge.

The motion carried by the following vote:

Vote: 6 – 0 – 0

Recommended for Approval - Consent Agenda

Absent for the vote: Philip M. Goldstein

Council member Goldstein returned to the dais.

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 1950 and 1990 Roswell Road from Sope Creek

Phase IV, LLC for the purpose of constructing Greenbriar Parkway Storm Drainage Repair Project in exchange for \$10,000.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 453 Guilford Circle from Dean J & Susan Adair Gendron for the purpose of constructing the Greenbriar Parkway Storm Drainage Repair Project in exchange for \$1,567.50. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acceptance of the donation of Temporary Construction Easement on the property at 455 Guilford Circle from William and Ann Burlas for the purpose of constructing Greenbriar Parkway Storm Drainage Remediation Project. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

A motion was made by Council member Chalfant, seconded by Council member Goldstein, to add an item to the council agenda authorizing acquisition of the right of way and easements at 780 Franklin Road from SJ Georgia Investor, LLC for the purpose of constructing the Franklin Road Improvements From Twin Brooks to Las Colinas Apartments in exchange for \$3,000.00. The motion carried by the following vote:

Vote: 7 – 0 – 0

Recommended for Approval - Consent Agenda

ADJOURNMENT:

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____